Sri R ANANTARAMAN.—Which were the temporary courts that were closed?

Mr. SPEAKER.—It is given in the next page. The courts that have been abolished are mentioned in page 6.

Sri M. LINGANNA.—May I know where that list is pending at present ?

Sri A. G. RAMACHANDRA RAO.—At present, it is not pending anywhere.

Sri M. LINGANNA.—What has happened to this list ?

Sri A. G. RAMACHANDRA RAO.—Rules have been framed and appointments made in accordance with the rules.

Mr. SPEAKER.—Copies of the rules were distributed in January.

Sri M LINGANNA.—Where is this particular list pending ?

Sri A. G. RAMACHANDRA RAO.—That issue itself is not pending.

Separation of the Judiciary from the Executive.

Q.—324. Sri R. ANANTARAMAN (Chamarajpet).—

Will the Government be pleased to state the steps taken by them to separate the Judiciary from the Executive ?

A.—Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—

A scheme for the separation of the Judiciary from the Executive has been formulated. The views of the High Court of Mysore, the Advocate-General in Mysore, the Bar Associations at District Headquarters and the District Magistrates of Districts were called for. Their views have been since received. The matter is under consideration of Government.

A Committee under the Chairmanship of Justice Sri T. N. Mallappa, Judge, High Court of Mysore, has been constituted by Government to go into the question of redistribution of territorial and pecuniary jurisdiction of courts in the State and the report of the Committee is also awaited.

Sri R. ANANTARAMAN.—Is it not obligatory on the part of Government, under Article 50 of the Constitution, to effect the separation of the Judiciary from the Executive immediately ?

Sri A. G. RAMACHANDRA RAO.—It is a directive in my opinion and we are trying to carry it out as early as possible.

Sri R. ANANTARAMAN.—May I know whether there is any financial commitment if such a separation is effected ?

Sri A. G. RAMACHANDRA RAO.—Certainly.

Sri R. ANANTARAMAN.—Are the Government going to bring any Bill to effect the separation ?

Sri A. G. RAMACHANDRA RAO.—I do not think any Bill is necessary.

Sri R. ANANTARAMAN.—In view of the fact that a report has been sent to the Government, are you going to bring any Bill ?

Mr. SPEAKER.—The report of the Committee is also awaited. It has not yet been sent.

Ministerial Staff of the Judicial Department.

Q.—136. Sri B. NARAYANASWAMY (Mysore City South).—

Will the Government be pleased to state :—

(*a*) whether it is a fact that there is no uniform State-wide gradation list for all the Ministerial Staff of the Judicial Department and that there are different cadres, one to High Court and another for the subordinate judicial staff ; if so what are the reasons ;

(*b*) whether there is direct recruitment of the ministerial staff to the High Court or by promotion ;

(*c*) whether it is not a fact that there are cases of promotion from subordinate judicial staff overlooking seniority ; if so, how many, and for what reasons the seniority is disregarded ?

A.—Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—

(*a*) Under the Constitution, appointments in the High Courts are distinct from appointments in the Subordinate Courts.

(*b*) No ; but draft Rules under Article 229 (2) of the Constitution of India regulating the conditions of service of officers and servants of High Court of Mysore have been received by Government from the High Court and they are under consideration of Government.

(*c*) There are cases of promotion to the High Court from the staff in the Subordinate Courts. But such promotions are made taking into account all relevant factors including seniority. But seniority is not the only criterion for promotion.

Sri B. NARAYANASWAMY.—From the answer (*a*), am I to understand that there is no State wide gradation list for the subordinate ministerial staff of the Judicial Department ?

Sri A. G. RAMACHANDRA RAO.—No, Sir.

Sri B. NARAYANASWAMY.—What was the procedure that was being followed prior to the passing of the Constitution ?

Sri A. G. RAMACHANDRA RAO.—The question was being dealt with under the High Court Act.

Sri B. NARAYANASWAMY.—Was there no State-wide gradation list even then, Sir ?

Sri A. G. RAMACHANDRA RAO.—Not that I know of.

Sri B. NARAYANASWAMY.—Sir, you have stated that there is no direct recruitment to the High Court to the ministerial staff. In what way were they being recruited ?

Mr. SPEAKER.—There is answer (*c*).

Sri B. NARAYANASWAMY.—I have asked whether there is any direct recruitment to the High Court to the ministerial staff and the answer given is 'No.' How were they recruited, whether by promotion, or how ?

Sri A. G. RAMACHANDRA RAO.—My information is, mostly by promotion from the subordinate courts.

Sri B. NARAYANASWAMY.—Sir, it is now being said that draft rules are pending before the Government. What is the procedure that is now being followed before the rules are finalised, *i.e.*, pending that question ?

Sri A. G. RAMACHANDRA RAO.—That issue has not arisen.

Sri B. NARAYANASWAMY.—Are there no cases where seniors have been ignored and juniors have been promoted to the High Court?

Sri A. G. RAMACHANDRA RAO.—Such a thing may have happened. Promotions are not always governed by seniority only.

Sri B. NARAYANASWAMY.—May I know in how many cases seniority has been ignored ?

Sri A. G. RAMACHANDRA RAO.—Notice, Sir.

Sri G. PUTTASWAMY.—Is it not a fact that there is a rule that a gradation list should be maintained ?

Sri A. G. RAMACHANDRA RAO.—Yes.

Sri G. PUTTASWAMY.—Is it followed, Sir ?

Mr. SPEAKER.—That is why there is the last sentence.

Abolition of Courts during the Current Year.

Q.—327. Sri M. V. RAMA RAO (Tumkur).—

Will the Government be pleased to state :—

(*a*) whether any and, if so, which of the Courts of District Judge, Subordinate Judge, Munsiff, or Magistrate have been abolished or closed down during the current year ;

(*b*) the reasons for the abolition of each such Court ;

(*c*) the arrangements made for the prompt disposal of the work pending before each such Court as on the date of its abolition ;

(*d*) whether the High Court has concurred with Government in the matter of abolishing these Courts and, if not, the special considerations which weighed with the Government ;

(*e*) the number of officers of the Revenue or other Departments who have been appointed to preside over courts in the place of judicial officers together with their names and original designation ;

(*f*) the reasons in each case for replacing a judicial officer by the executive officer to preside over a court ?